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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,266	03/30/2000	Vipin Samar	OR99-17401	8991

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PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/539,266	Applicant(s) SAMAR, VIPIN	
	Examiner David E. England	Art Unit 2143	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10, 13 - 22 and 25 - 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10, 13 - 22 and 25 - 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1 – 10, 13 – 22 and 25 – 33 are presented for examination.

Response to Amendment

1. The amendment filed April 22, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Note that for the purpose of the instant application, common checkpointing methods familiar to those skilled in the art are used, A “checkpoint” state is a state of a process during execution of a program, and is stored information necessary for re-execution from the checkpoint. “To checkpoint” and “checkpointing” refer to the act of storing the checkpoint state.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The amendment filed April 22, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In one embodiment of the present invention, the system initially establishes an active secure communication session between the client and the second server, the active secure communication session being identified by the session identifier.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 13, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of, “whereby the secure communication session is transferred from the client and the second server to the client and the first server without incurring the overhead of establishing a new secure connection,” is not disclosed in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 9, 13 – 17, 21 and 25 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Devarakonda et al. U.S. Patent No. 6424992 (hereinafter Devarakonda).

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3. Referencing claim 1, Devarakonda teaches a method for sharing a secure communication session with a client between a plurality of servers, comprising:

4. receiving a message from the client at a first server in the plurality of servers, the message including a session identifier that identifies a secure communication session with the client, (e.g. col. 3, line 27 – col. 5, line 12); and

5. if the session identifier does not correspond to an active secure communication session on the first server, establishing an active secure communication session with the client on the first server by, (e.g. col. 3, line 27 – col. 5, line 12),

6. attempting to retrieve state information associated with the session identifier for an active secure communication session between the client and a second server from the plurality of servers, (e.g. col. 9, lines 5 – 32),

7. if the state information for the active secure communication session is retrieved, using the state information to establish the active secure communication session with the client without having to communicate with the client, whereby the secure communication session is transferred from the client and the second server to the client and the first server without incurring the overhead of establishing a new secure connection, (e.g. col. 4, line 7 – col. 6, line 12), and

8. if the state information for the active secure communication session is not retrieved, communicating with the client to establish the active secure communication session with the client, (e.g. col. 3, line 27 – col. 5, line 12).

9. Referencing claim 2, Devarakonda teaches attempting to retrieve the state information includes:

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10. attempting to use the session identifier to identify the second server in the plurality of servers that has an active secure communication session with the client that corresponds to the session identifier, (e.g. col. 4, line 58 – col. 5, line 12 & col. 9, lines 5 – 32); and
11. attempting to retrieve the state information from the second server, (e.g. col. 4, line 58 – col. 5, line 12 & col. 9, lines 5 – 32).
12. Referencing claim 3, Devarakonda teaches attempting to retrieve the state information involves attempting to retrieve the state information from a centralized repository that is in communication with the plurality of servers, (e.g. col. 8, line 53 – col. 9, line 32).
13. Referencing claim 4, Devarakonda teaches the centralized repository includes a database for storing the state information, (e.g. col. 3, line 27 – col. 5, line 12 & col. 8, line 53 – col. 9, line 32).
14. Referencing claim 5, Devarakonda teaches establishing the active secure communication session involves establishing a secure sockets layer (SSL) connection with the client, (e.g. col. 3, lines 35 – 55).
15. Referencing claim 9, Devarakonda teaches initially establishing an active secure communication session between the client and the second server, the active secure communication session being identified by the session identifier, (e.g. col. 4, line 58 – col. 5, line 12 & col. 9, lines 5 – 32).

16. Claims 13 – 17, 21 and 25 – 29 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 6, 7, 10, 18, 19, 22, 30, 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devarakonda (6424992) in view of Fielder et al. (6105133) (hereinafter Fielder).

19. As per claim 6, Devarakonda teaches the state information includes:
20. a session encryption key for the secure communication session, (e.g. col. 3, lines 35 – 64);
21. the session identifier for the secure communication session, (e.g. col. 7, line 56 – col. 8, line 34). Devarakonda does not teach a running message digest for the secure communication session. Fielder teaches a running message digest for the secure communication session, (e.g. col. 2, line 60 – col. 3, line 42). It would have been obvious to one skilled in the art at the time the invention was made to combine Fielder with Devarakonda because it would make the

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transferring of information more secure because of the functionality of running message digest adding a signature to identify and authenticate the sender and message of the transferred information.

22. As per claim 7, Devarakonda does not teach using the message to update the running message digest; and

23. checkpointing the updated running message digest to a location outside of the first server. Fielder teaches using the message to update the running message digest, (e.g. col. 2, line 60 – col. 3, line 42); and

24. checkpointing the updated running message digest to a location outside of the first server, (e.g. col. 2, line 60 – col. 3, line 42). It would have been obvious to one skilled in the art at the time the invention was made to combine Fielder with Devarakonda because it would be more efficient for the message to update the running message digest so when a server with new information pertaining to state information occurs, the entire network will be able to access this information and utilize it in new secure data transfer, as appose to having to send a separate set of information to update the running message digest on each device, causing more traffic on the network.

25. As per claim 10, Devarakonda does not teach attempting to retrieve the state information includes authenticating and authorizing the first server. Fielder teaches attempting to retrieve the state information includes authenticating and authorizing the first server, (e.g. col. 1, lines 31 - 44). It would have been obvious to one skilled in the art at the time the invention was made to

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combine Fielder with Devarakonda because it would make a system more secure if the receiver of the information could be authorized to the information by authenticating the information that was sent from the first server. Furthermore, it would make the information more difficult for other system to try and access the information without having the authentication and authorized access to the information.

26. Claims 18, 19, 22, 30, 31, 33 are rejected for similar reasons as stated above.

27. Claims 8, 20, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devarakonda (6424992) in view of Kennedy et al. (6134582).

28. As per claim 8, Devarakonda does not teach if the state information for the active secure communication session is retrieved, purging the state information from a location from which the state information was retrieved, so that the state information cannot be subsequently retrieved by another server in the plurality of servers. Kennedy teaches if the state information for the active secure communication session is retrieved, purging the state information from a location from which the state information was retrieved, so that the state information cannot be subsequently retrieved by another server in the plurality of servers, (e.g. col. 1, line 57 – col. 2, line 10). It would have been obvious to one skilled in the art at the time the invention was made to combine Kennedy with Devarakonda because it would be more efficient for a system to free up space on a device that is no longer using that specific information on that particular device.

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29. Claims 20, 32 are rejected for similar reasons as stated above.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333.


The examiner can normally be reached on Mon-Thur, 7:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England
Examiner
Art Unit 2143

De 
July 9, 2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100